

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**DOCKET NO. 3:08-cv-00044-FDW**

**NATIONAL ASSOCIATION FOR )  
STOCK CAR AUTO RACING, INC., )  
MOTORSPORTS AUTHENTICS, LLC, )  
SPEEDWAY MOTORSPORTS, INC., )  
SPEEDWAY PROPERTIES COMPANY, )  
LLC, NEW HAMPSHIRE SPEEDWAY, )  
INC., INTERNATIONAL SPEEDWAY )  
CORPORATION, RCR ENTERPRISES, )  
LLC, ROUSH FENWAY RACING, LLC, )  
JOE GIBBS RACING, INC., HENDRICK )  
MOTORSPORTS, LLC, HMS )  
MOTORSPORTS, LLC, JEFF )  
GORDON, INC., DEJ HOLDINGS, LLC, )  
RUSTY WALLACE, INC., PENSKE )  
RACING SOUTH, INC., PENSKE )  
RACING LLC, DALE EARNHARDT, )  
INC., GILLETT EVERNHAM )  
MOTORSPORTS, L.L.C., RED BULL )  
GMBH, MICHAEL WALTRIP RACING )  
HOLDINGS, LLC, and CHIP GANASSI )  
RACING WITH FELIX SABATES, INC., )**

**Plaintiffs,**

**vs.**

**VARIOUS JOHN AND JANE DOES, and )  
VARIOUS XYZ CORPORATIONS, )**

**Defendants.**

**ORDER  
(UNDER SEAL)**

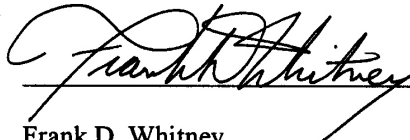
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THIS MATTER comes now before the Court upon Plaintiffs' Proposal for Publication of Notice of Hearing (Doc. No. 12). The Court has already determined that notice by publication, given the fact that Defendants consist of "persons missing or unknown," Mullane v. Cent. Hanover Bank

& Trust Co., 339 U.S. 306, 316 (1950), is the only practicable way to notify Defendants of the preliminary injunction hearing scheduled for February 28, 2008. The Court finds that Plaintiffs' proposed publication is "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." Id. at 315. Additionally, the Court finds that NASCAR.com is the best possible publication to notify members of the racing community of the pending hearing. (See Crotty Declaration, Doc. No. 12, Ex. B.) Thus, the Court approves the posting of said publication on NASCAR.com, which posting shall run from February 20, 2008, to February 28, 2008.

IT IS SO ORDERED.

Signed: February 19, 2008

  
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Frank D. Whitney  
United States District Judge



SEALED DOCUMENT with access to Plaintiffs